

To: Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]
Cc: Buffo, Corey[Buffo.Corey@epa.gov]; Washington, Evelyn[Washington.Evelyn@epa.gov]; Christensen, Christina[Christensen.Christina@epa.gov]; Hisel-McCoy, Sara[Hisel-McCoy.Sara@epa.gov]
From: Fleisig, Erica
Sent: Mon 4/24/2017 1:51:00 AM
Subject: RE: Washington's Human Health Criteria for Toxics
[Overview WA HHC 4 23 2017_redline.docx](#)
[Overview WA HHC 4 23 2017.docx](#)

Betsy,

I've addressed Mike's edits in the attached redline and clean versions, and at the same time addressed one final edit from R10. I'm also pasting the edits below in the email, with explanations. Please let me know if you need anything else.

Random fun fact, I ran into Ken Kopocis this weekend, in tidewater Virginia (town of Kilmarnock, about 3 hours from here). He and his wife were ordering wedding invitations for their daughter's wedding. He said he was glad to see that we're still smiling ☺

1st comment from Mike on the 3rd bullet where we introduce 175 g/day:

Isn't this the number for subsistence or sustenance fish consumers? Let's add that qualification.

Response:

This isn't exactly the number for all subsistence consumers in WA, but I added this qualifier (noted here in red):

The results of those surveys showed that 175 g/day was a more realistic fish consumption rate (FCR) for fish consumers in Washington, including certain subsistence consumers, and thus a better estimate of pollutant exposure to use when calculating HHC.

2nd comment from Mike in response to the photos:

Pictures like this can get some laughs, but they are fundamentally misleading, since, as we know, the real driver in the calculation is the frequency of fish consumption, not the quantity on the plate. So let's delete these photos from the paper.

Response:

I'm not sure I fully understand his comment, as the pictures represent quantities but the rate is

explained above as per day. I also thought Sarah liked photos. Nonetheless, I deleted them per his request.

3rd comment from Mike on the bullets below the photos:

Explain why we disagreed with the Washington numbers. It's my understanding that it had nothing to do with the fish consumption rates, which makes me wonder why that issue is even discussed in the first few paragraphs.

Response:

Ex. 5 - Deliberative Process

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I added the following new bullet and expanded on the existing bullet below the photos (changes noted in red):

- While Washington and EPA agreed that the HHC should be based on a FCR of 175 g/day and a cancer risk level of 1 in 1 million (10^{-6}), Washington did not use the most recent science on bioaccumulation and did not adequately account for other sources of exposure when developing its HHC.

- On November 15, 2016, in accordance with a court order, EPA approved 45 of Washington's HHC, and promulgated 144 additional HHC for Washington. Where Washington's criteria were as stringent as or more stringent than criteria that EPA determined would be protective of the state's uses and scientifically defensible, using appropriate inputs, EPA approved those HHC. EPA disapproved the other HHC in Washington's submittal as they were not based on sound science and not sufficiently protective of the applicable uses, and EPA promulgated a final rule for those HHC. EPA also approved Washington's revisions to its variance and compliance schedule implementation tools, which give the state and affected industries and municipalities needed flexibility and time to implement the revised HHC while making reasonable progress in improving water quality.

Finally, for the 2nd bullet under criteria implementation, R10 asked to revise the following:

From, "Rather, states implement these criteria by requiring pollutant concentrations beyond allowable mixing zones to be undetectable by current approved analytical methods."

To, "Rather, permit authorities implement these criteria by setting the compliance level equal to the detection limit of current approved analytical methods."

Erica Fleisig

Physical Scientist, Team Leader

Regional Water Quality Standards Branch, Office of Science and Technology

U.S. Environmental Protection Agency

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From: Southerland, Elizabeth

Sent: Friday, April 21, 2017 1:54 PM

To: Fleisig, Erica <Fleisig.Erica@epa.gov>

Cc: Buffo, Corey <Buffo.Corey@epa.gov>; Washington, Evelyn
<Washington.Evelyn@epa.gov>; Christensen, Christina <Christensen.Christina@epa.gov>

Subject: Re: Washington's Human Health Criteria for Toxics

I can't see it either so will tell him Monday we will respond.

Sent from my iPhone

On Apr 21, 2017, at 10:07 AM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

Betsy, I'm assuming with most of us being out today, that this can wait until Monday (I can't see Mike's edits on my iPhone to know how extensive they are). If you want us to take care of this today, R10 should be able to help (Angela Chung or Lindsay Guzzo).

Erica

From: Shapiro, Mike

Sent: Thursday, April 20, 2017 11:10:22 PM

To: Southerland, Elizabeth; Best-Wong, Benita

Cc: Fleisig, Erica; Buffo, Corey; Washington, Evelyn; Christensen, Christina

Subject: RE: Washington's Human Health Criteria for Toxics

Betsy,

Thanks, I had a few comments on the attached markup.

Mike

Michael Shapiro

Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave., NW

Washington, DC 20460

202-564-5700

From: Southerland, Elizabeth

Sent: Thursday, April 20, 2017 1:37 PM

To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>

Cc: Shapiro, Mike <Shapiro.Mike@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>;

Buffo, Corey <Buffo.Corey@epa.gov>; Washington, Evelyn

<Washington.Evelyn@epa.gov>; Christensen, Christina <Christensen.Christina@epa.gov>

Subject: Washington's Human Health Criteria for Toxics

The attachment summarizes the rule, the petitions, and a specific issue on the Spokane River. Let us know if Sarah needs additional information or would like a briefing.

From: Best-Wong, Benita

Sent: Wednesday, April 19, 2017 3:34 PM
To: Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>
Cc: Shapiro, Mike <Shapiro.Mike@epa.gov>
Subject: Fwd: Washington's Human Health Criteria for Toxics

See request below from Sarah. Do you have something readily available that we can provide to her.

Sent from my iPhone

Begin forwarded message:

From: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Date: April 19, 2017 at 1:06:39 PM EDT
To: "Shapiro, Mike" <Shapiro.Mike@epa.gov>, "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>
Cc: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: Washington's Human Health Criteria for Toxics

Mike and Benita,

Would you please provide some materials on the above and the surrounding controversies?

Thanks!

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 Ex. 6 - Personal Privacy

Greenwalt.Sarah@epa.gov